

CHRONO

LEG Chrono

OLL 85-1799
24 June 1985

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MEMORANDUM FOR: Director of Personnel
DC/ALD/OGC

FROM: [REDACTED]

Deputy Chief, Legislative Division/OLL

SUBJECT: Hearing of H.R. 917: Due Process for
Excepted Service Employees

1. A hearing on H.R. 917, before a House Subcommittee on Civil Service, was held on 19 June 1985. With the exception of testimony by a witness from the Office of Personnel Management, all other witnesses testified in favor of the bill.

2. It was generally agreed that excepted service employees of the federal government have no administrative due process rights against dismissal or lesser punishments for alleged misconduct. Such excepted service employees must resort directly to the courts for any remedy. On the other hand, competitive service employees have recourse to an elaborate statutory scheme of administrative due process. Their interests are protected by an adversarial administrative proceeding. If they are dissatisfied with the outcome of that proceeding they can appeal to the Merit System Protection Board. Thereafter, competitive service employees still have access to the courts. The Dymally bill would apply this scheme to excepted service employees.

3. Reasons for and against the bill are sound and best summed up in testimony by Congressman Dymally and the Office of Personnel Management. Both statements are attached herewith and are forwarded for your information only.

Attachment
as stated

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